

REMARKS

Applicants have carefully reviewed the Office Action mailed on November 10, 2009. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claim 1 is amended. Claim 48 is newly presented. No new matter is added. Please cancel claims 14, 43-44, and 46-47 without prejudice. Claims 1-5, 8, 10, 12, 17, and 48 are presented for examination.

Claim Rejections Under 35 U.S.C. §112

Claim 14 is rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, has possession of the claimed invention. Without conceding the merits of the rejection, please note that claim 14 is now cancelled without prejudice, rendering the rejection moot. Applicants reserve the right to pursue this claim or claims of a similar scope in the future.

Claims 46 and 47 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Without conceding the merits of the rejection, please note that claims 46-47 are now cancelled without prejudice, rendering the rejection moot. Applicants reserve the right to pursue these claims or claims of a similar scope in the future.

Claim Rejections Under 35 U.S.C. §§102 and 103

Claims 1-5, 8, 10, 12, 14, 17, 43, and 44 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Ding et al. in U.S. Patent No. 6,364,856. Applicants respectfully traverse the rejection.

Please note that claim 14 is now canceled rendering the rejection thereof moot.

Please cancel claims 43-44 without prejudice.

Regarding claims 1-5, 8, 10, 12, and 17, claim 1 is amended to recite:

wherein the balloon has a waist portion, a body portion and a cone portion and wherein the first portion has a greater thickness at the body portion than at the cone portion, and wherein the first portion has a greater thickness at the cone portion than at the waist portion.

Support for this amendment can be found, for example, in Figure 2. Ding et al. does not appear to teach or suggest the claimed invention. For example, Ding et al. does not appear to teach or suggest that a balloon having three distinct portions (a waist portion, a body portion, and a cone portion), that the first portion has a greater thickness at the body portion than at the cone portion, and that the first portion has a greater thickness at the cone portion than at the waist portion. Based on this distinction, Applicants respectfully submit that amended claim 1 is patentable over the cited art. Because claims 2-5, 8, 10, 12, and 17 depend from claim 1, they are also patentable for the same reasons as claim 1 and because they add significant elements to distinguish them further from the art.

Claims 46 and 47 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ding et al. in view of Ferrera et al. in U.S. Patent Application Pub. No. US 2002/0122903. Please note that claims 46-47 are now canceled rendering the rejection thereof moot.

Conclusion

Further examination and withdrawal of the rejections is respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

DOUGLAS A. DEVENS, Jr. et al.

By their Attorney,

Date: _____

1-6-2009


J. Scot Wickhem, Reg. No. 41,376
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349